

Notice of Allowability	Application No.	Applicant(s)	
	10/014,628	INOUE, TSUTOMU	
	Examiner	Art Unit	
	Dana Ross	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 25, 2004.
 2. ☒ The allowed claim(s) is/are 1 and 3-7.
 3. ☒ The drawings filed on 22 October 2001 are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>January 12, 2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. Claims 1, 3-7 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a cutting-oil coater for application of cutting oil to a cutting device as claimed in claim 1 wherein there is a means for forming an oil spray actively mixing with oil and gas under pressure, the spray feed portion and the oil storage portion are formed separately from each other with a return passage for allowing the oil inside the spray feed portion to return to the oil storage portion and designed to receive continuously substantially all the oil which separates from the spray before the spray is injected onto the cutting device.

The closest prior art of record found is U.S. Pat. No. 2,653,517 (Pigott) as is discussed in detail in the previous office action, U.S. Pat. No. 6,287,058 (Arie et al.) as is discussed in detail in the previous office action, U.S. Pat. No. 6,230,843 (Geiss) as is discussed in detail in the previous office action, and U.S. Pat. No. 6,659,370 (Inoue).

Pigott teaches all aspects of the claimed invention except for the mixture for the means for forming an oil spray actively mixing with oil and gas under pressure. Therefore Pigott does not anticipate the claimed invention.

Arie et al. teaches all aspects of the claimed invention except for a return passage for allowing the oil inside the spray feed portion to return to the oil storage portion and designed to receive continuously substantially all the oil which separates from the spray before the spray is ejected into the cutting device. Therefore Arie et al. does not anticipate the claimed invention.

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Geiss teaches all aspects of the claimed invention except for the return passage designed to receive continuously substantially all of the oil that separates from the spray before the spray is ejected into the cutting device. Therefore Geiss does not anticipate the claimed invention.

Inoue teaches a means for forming an oil spray by actively mixing the oil and gas under pressure through a spray injector nozzle 2 inside a container 1 with an oil storage lower portion and a oil spray feed upper portion, a gas tube 6 and oil tube 7 (fig. 1, col. 9, lines 38-55); a spray conveying passage 5 for conveying oil spray inside the container 1 to the outside of the container 1 (fig. 1, col. 10, lines 33-37); a open return passage for allowing the oil inside the container 1 upper spray feed portion to drop down and return to the oil storage lower portion of container 1.

Inoue teaches the oil storage portion and spray feed portion within the same container.

Inoue does not teach the separating of the two portions such that they can be remotely arranged in different positions.

Therefore Inoue does not anticipate the claimed invention of claim 1.

Furthermore, there is no motivation found to modify the prior art of record to obtain the claimed invention of claim 1.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is (703) 305-7764. The examiner can normally be reached on Mon-Fri 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmr

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